

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

DAVID JOSEPH STEFFEN,

Petitioner, : Case No. 1:92-cv-495

- vs -

Chief Judge Edmund A. Sargus, Jr.
Magistrate Judge Michael R. Merz

ARTHUR TATE, JR, Warden,

:
Respondent.

DISMISSAL ORDER

This capital habeas corpus case is before the Court on Petitioner's Unopposed Motion to Dismiss (ECF No. 220).

A motion to dismiss voluntarily is within the decisional authority of a Magistrate Judge. Compare 28 U.S.C. § 636(b)(1)(A) excluding motions to involuntarily dismiss an action.

This case had previously been stayed to permit Petitioner to pursue a new trial motion in the Hamilton County Common Pleas Court. The instant Motion confirms that those proceedings have concluded all the claims made herein have been resolved in the common pleas court, resulting in the issuance of a new judgment. Because the judgment challenged in this case has been vacated, this Court no longer has jurisdiction of this dispute. *Eddleman v. McKee*, 586 F.3d 409 (6th Cir. 2009); accord *Gillispie v. Warden*, 771 F.3d 323 (6th Cir. 2014).

Accordingly, the Motion to Dismiss is GRANTED. The Clerk will enter judgment dismissing this case without prejudice.

July 1, 2016.

s/ *Michael R. Merz*
United States Magistrate Judge